

To: United States District Court

From: David M. Williams, 173211

Reference: 05- 386, GMS.



Dear your Honorable GMS,

I have the two Indictments in my case, one dated: 10-13-98, and it states: The Grand Jury of New Castle County charges David M. Williams, with the following offenses:

Count I A felony.

1 #N 98-10-1537(B)

Attempted Burglary Second Degree, in violation of Title 11, Section 531 of Delaware Code of 1974, as amended.

David Williams, on or about the 25th day of March, 1998, in the County of New Castle, State of Delaware, did intentionally attempt to unlawfully enter a dwelling at 14E/1W. Salisbury Drive Edgemoor Terrace, Wilmington Delaware, with intent to commit theft or a Sexual offense therein, which acts, under the circumstances as he believed them to be, constituted a substantial step in a course of conduct planned to culminate in his commission of the offense of Burglary Second degree.

this isn't the Statute for a burglary Charge, but for an attempt Rape Charge which is a violation of the

- amendment of information under Rule 7, of Superior Court Rules. Court has power to amend indictment as to matters of form, but not as to matters of substance, as long as no new, additional or different charge is made thereby and if the accused will not otherwise suffer prejudice to substantial rights. The rule is designed to afford the accused 2 protections: (1) notice of the charges against him so that he has the opportunity to prepare an adequate defense and (2) prevention from twice being placed in jeopardy for same offense. Keller v. State, Del. Supr., 425 A.2d, 152 (1981).

The other indictment doesn't contain these allegations of an sexual offense in the statute for 2nd degree Burglary, nor does it have additional charges 9803018210, 9803018189, 9807002178, or 9809017751. These are a violation of my rights not to be placed in Double Jeopardy, 5th amendment to Constitution, Doherty and U.S.C.A'.

I received this new indictment on 10-27-03, and I read in the News Journal, 7-27-05, how Gordon & Freeberg, dismissed their charges from an indictment, of May of 2004, I received my indictment 10-27-03,

- I Couldn't Challenge the Charges.
I hope the District Court
would take this case into
consideration.

Another Fact, the attorney never
filed my appeal, Dated: Nov. 2nd 1999.
I have a copy of it, and the
attorney never got the proceeding
According to Rule 9 (e). Heise v. Ryan,
15 F.3d, 299 3rd Cir. 1994

197 F.3d, 644, at pg.4 Fn 1. Counsel
initial briefing on these issues was
inadequate. We have discretion to
consider issues not raised in brief,
Particularly when substantial public
interest are involved. 990 F.2d, 1070,
1993, 972 F.2d, 30, 35 (1992). 479 A.2d,
831, 604 A.2d, 1364, 469 U.S. 387, 105 S.Ct.
830. (1984-85). 301 A.2d 509, 1973.

The fact that this appeal was
never filed, I wish the U.S.
District to get the transcripts
and hear this appeal, since
I never had it heard at the
Del. Supreme Court.

Sincerely,
David M. Wilkins, 173211

IM David M. Williams

SBI# 173211 UNIT MHU

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